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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

5 KEITH CHARLES KNAPP, as Trustee of)
the California Home Loans Profit Sharing)
Plan; TRUST FOR THE)
CALIFORNIA HOME LOANS)
PROFIT SHARING PLAN, as a fiduciary)
of the California Home Loans Profit Sharing)
Plan; THERESE A. LAVOIE, as a)
participant in the California Home Loans)
Profit Sharing Plan,)
Plaintiffs,)
v.)
NOREEN CARDINALE, an individual,)
Defendant.)

) **CASE NO. C 12-05076-RMW-HRL**

) **STIPULATION AND []**

) **ORDER TO ENLARGE TIME FOR**

) **PLAINTIFFS TO RESPOND TO**

) **DEFENDANT'S MOTION FOR**

) **TEMPORARY STAY OF PROCEEDINGS**

) **AND FOR DEFENDANT TO REPLY TO**

) **PLAINTIFFS' RESPONSE**

) **Hon. Ronald M. Whyte**

) **Pre-Trial Conf.: June 26, 2014**

) **Trial Date: July 21, 2014**

) **Hearing Date: June 20, 2014**

) **Hearing Time: 9:00 a.m.**

) **Courtroom 6 – 4th Floor**

16 NOREEN CARDINALE,)
17 Plaintiff,)
18 v.)
19 DANIEL R. MILLER JR.; PATRICE)
20 MILLER, his spouse; DANIEL R. MILLER)
21 SR.; PASHLIN INC., a California)
corporation; DERALD R. KENOYER;)
KEITH CHARLES KNAPP; HOME LOAN)
22 SERVICES CORPORATION dba)
CALIFORNIA)
HOME LOANS, a California Corporation;)
and DOES 1 through 100, inclusive)
23)
Defendants.)
24)
25)

1 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiffs Keith Charles Knapp, as Trustee of the
 2 California Home Loans Profit Sharing Plan, the Trust for the California Home Loans Profit
 3 Sharing Plan, as a fiduciary of the California Home Loans Profit Sharing Plan, Therese A. Lavoie,
 4 as a participant in the California Home Loans Profit Sharing Plan, and Defendant Noreen
 5 Cardinale hereby stipulate and request that the deadline for Plaintiffs to respond to Defendant's
 6 Motion for Temporary Stay of Proceedings ("Motion") (Doc. 101) and for Defendant to reply to
 7 Plaintiffs' response, currently due on May 29, 2014, and June 5, 2014, respectively, be extended
 8 until June 6, 2014, and June 13, 2014, respectively.

9 Defendant's Motion seeks to stay this action brought pursuant to the Employee
 10 Retirement Income Security Act of 1974, as amended. (*See* Declaration of Joseph A. Garofolo ¶ 3
 11 filed concurrently herewith). Plaintiffs' only counsel, Joseph A. Garofolo, has a vacation in
 12 Hawaii scheduled from May 22, 2014, until June 1, 2014, and Plaintiffs' response would otherwise
 13 fall on May 29, 2014. (*See id.* at ¶¶ 3-5). Plaintiffs' counsel's vacation was scheduled well in
 14 advance of the noticed motion. (*See id.* at ¶ 4). The requested extension for Plaintiffs' response
 15 until June 6, 2014, and for Defendant to reply until June 13, 2014, would not have any effect on
 16 the noticed date for the Motion to be heard of June 20, 2014. (*See id.* at ¶ 6).

17 This is the first request for an enlargement of time for Plaintiffs to file a response to
 18 Defendant's Motion and for Defendant to reply, and the parties do not believe that the requested
 19 enlargement would have any effect on the schedule for the case. (*See id.* at ¶¶ 6-7).

20 IT IS SO STIPULATED AND AGREED.

21 May 21, 2014

/s/ Michael L. Boli

Michael L. Boli
 Attorney for Defendant/Judgment Creditor Noreen
 Cardinale

24 May 21, 2014

/s/ Joseph A. Garofolo

Joseph A. Garofolo
 Attorney for Plaintiffs Keith Charles Knapp, as Trustee of
 the California Home Loans Profit Sharing Plan, the Trust
 for the California Home Loans Profit Sharing Plan, as a
 fiduciary of the California Home Loans Profit Sharing
 Plan, and Therese A. Lavoie, as a participant in the
 California Home Loans Profit Sharing Plan

ORDER

Pursuant to the Stipulation, and good cause appearing, the Court orders the following:

3 i) Plaintiffs may file their response to Defendant's Motion for Temporary Stay of Proceedings by,
4 and including, June 6, 2014; and ii) Defendant may file her reply to Plaintiffs' response to
5 Defendant's Motion for Temporary Say of Proceedings by, and including, June 13, 2014.

IT IS SO ORDERED.

Dated: May GG, 2014

Ronald M. Whyte

UNITED STATES DISTRICT JUDGE